

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: MAY 19, 2004 Division: TDC

Bulk Item: Yes X No Department:

AGENDA ITEM WORDING:

Approval to Advertise FY 2005 Bricks and Mortar/Capital Project Grant Application.

ITEM BACKGROUND:

TDC to approved same at their meeting of November 12, 2003.

PREVIOUS REVELANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: \$

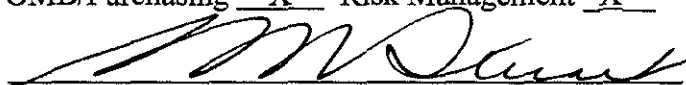
BUDGETED: Yes No

COST TO COUNTY: \$ **SOURCE OF FUNDS:** TDC

REVENUE PRODUCING: Yes X No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing X Risk Management X

DIVISION DIRECTOR APPROVAL:


(Lynda Stuart)

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # 85

**Application for
Bricks and Mortar/Capital Projects Grant**

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NOTICE

This Request for Bid Application is subject to change prior to its issuance should there be a change in policy by the Board of County Commissioners or the TDC.

NOTICE OF CALLING FOR BIDS/APPLICATIONS

NOTICE IS HEREBY GIVEN TO PROSPECTIVE BIDDERS/APPLICANTS that on July 7, 2004 The Monroe County Purchasing Office will receive sealed bids applications until 5:00 p.m for the following:

BRICKS AND MORTAR/CAPITAL PROJECTS

The following is a list of district boundaries in which funds will be allocated:

Key West - (shall encompass the City Limits of Key West)

Lower Keys - (city Limits of Key West to West end of Seven Mile Bridge)

Marathon – (west end of Seven Mile Bridge to Long Key Bridge)

Islamorada - (between Long Key Bridge and mile marker 90.7)

Key Largo - (from mile marker 90.7 to the Dade/Monroe County line and any portions of Monroe County)

The respective districts wish to solicit bids applications for consideration within the parameters for such expenditures as outlined in F.S. 125.0104 - paragraph (5) (a) 1. thru 4. - Tourist Development Tax.

Specifications and Bid Documents may be requested from DemandStar by Onvia by calling 1-800-711-1712 or by going to the website at Hyperlink <http://www.demandstar.com>. Questions regarding the Bid application should be directed to the Administrative Office of the Tourist Development Council,

(305) 296-1552. Any addenda to this Request for Applications (RFA) shall be distributed to vendors on the list of Demandstar distributees for this RFA.

All applications must be received by the Monroe County Purchasing Office on or before 5:00 p.m on July 7, 2004. No waivers shall be allowed for applications which have not been submitted to the County Purchasing Department by the close of business on the deadline date.

Applicants must submit two (2) signed originals and twelve (12) complete copies of each application in a sealed envelope clearly marked on the outside: "Sealed Application for Bricks and Mortar/Capital Projects Grant Funding", addressed and delivered to:

Purchasing Office, 1100 Simonton Street, Room 2-213, Key West, Florida 33040

The Board will automatically reject the application of any person or affiliate who appears on the convicted vendor list prepared by the Department of General Services, State of Florida, under Section 287.133(3)(d), F.S. (1997).

Contract award will be by the Monroe County Board of County Commissioners to those applicants whose applications are/is deemed by the BOCC, upon recommendation of the Monroe County Tourist Development Council, to be in the best interest of Monroe County.

Dated at Key West, Florida, this _____ day of _____, 2004.

**CAPITAL PROJECTS
MONROE COUNTY TOURIST DEVELOPMENT COUNCIL (TDC) THIRD
PENNY**

Permissible Uses of Funds

All Capital projects funded by TDC shall be owned and operated by either a governmental entity or non-profit organization.

Tourist Development capital project funds may be used in Monroe County as follows:

1. To acquire, construct, extend, enlarge, remodel, repair, or improve one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the taxing district in which the tax is levied.

2. To finance beach improvement, maintenance, re-nourishment, restoration, and erosion control. To acquire, construct, extend, enlarge, remodel, repair, improve, or promote one or more museums, zoological parks, fishing piers or nature centers.

****Please note that part 1, Item 12 (page 10) and part VII, Item 6 (page 26) require the Grantee to provide for maintenance.**

The following information must be provided:

- Demonstration of the need for project,
- Specific benefits to Monroe County tourism,
- What percentage of the total funds required for the project are being sought through the Tourist Development Council,
- Description, clearly defining the portion for which TDC funds are being requested, of land, improvements, and specifics of project,
- Specific history of project,
- Impact to the area,
- Evidence of community support,
- Capital expenditure budget for the project,
- Annual operating budget upon completion, including maintenance and repairs,

A budget based on estimated expenditures for related expenses shall be provided.

Applying for Funds:

1. **Sealed applications will be submitted to the Office of Purchasing, 1100 Simonton Street, Room 2-213, Key West, Florida 33040, on or 5:00 p.m. on July 7, 2004.**
2. A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a grant application or a bid on a contract to provide any goods or services to a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO (\$3,000.00) for a period of 36 months from the date of being placed on the convicted vendor list.
3. All applicants must submit two (2) signed originals and twelve (12) complete copies of each application in a sealed envelope marked on the outside "Bricks & Mortar/Capital Projects Grant Funding". Further information may be obtained by contacting the Administrative Office of the Tourist Development Council, (305) 296-1552.
4. The Monroe County Board of County Commissioners (BOCC) reserves the right to reject any or all applications as deemed in the best interest of Monroe County or waive any informality in any application and may choose to re-advertise. The Monroe County Tourist Development Council (TDC), may, as an advisory body, make recommendations to the BOCC for acceptance or rejection of any and all applications.
5. Contract award will be by the Monroe County Board of County Commissioners to the entity/entities whose application is/are deemed by the BOCC, upon recommendation of the Monroe County Tourist Development Council, to be in the best interest of Monroe County.
6. A member of your organization must be present to answer questions at the District Advisory Committee and Monroe County Tourist Development Council meetings when the application is considered.
7. No application can be brought before the full TDC until it has been approved by the District Advisory Committee in the district from which the funds will be utilized.

8. The Monroe County Board of County Commissioners and the Monroe County Tourist Development Council accept no responsibility for any expense incurred in the application, preparation and presentation, such expenses to be borne exclusively by the applicants.

9. Schedule:

(contact Administrative Office, (305) 296-1552 for updated information)

(TDC/DAC Workshops/Review/Evaluation meeting dates subject to change)

Issue of Request for Application	May 19, 2004
Workshop	May 25,26, 2004
Application Deadline	July 7, 2004
DAC Review/Evaluation of Applications	August 10/11, 2004
TDC Review/Evaluation of Applications	August 25, 2004
BOCC Approval	After October 2004

***** Be advised that if your organization is awarded funding you will have to enter into a contract which requires you to maintain accurate and complete documentation of the project. You will be required to obtain a signed amendment to the contract before making any substantive changes to the project or you may nullify the County's obligation to pay. You will be required to comply with the following:*****

a) TDC funds only a portion of the cost of the project and makes payment using the AIA (or percentage of completion) payment process. All submissions for payment shall have a proposed schedule of values for phases and indicate the percentage of completion of the overall project as of the submission. This document should be signed by the project architect, engineer, general contractor or project manager. Photos of the progress of the work shall also be submitted with the payment application.

b) Progress payments shall be made provided that AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing contractor's signed certification is attached to an invoice with the documentation required below.

c) All payment requests must be submitted no later than 60 days after the completion of project. Documentation shall be submitted to the TDC Administrative Office to show the receipt and application of in-kind donations of goods, professional services, and materials. Said documentation should include invoices, bills of lading, etc., and be verified as received and applied to the project through a notarized statement of the project architect, engineer, general contractor or project manager. **The final payment request will also require the following:**

AIA Document	G-702	Application for Payment Summary
AIA Document	G-704	Certificate of Substantial Completion
AIA Document	G-706	Contractor's Affidavit of Debts & Claims
AIA Document	G-706A	Contractor's Affidavit of Release of Liens
AIA Document	G-707	Consent of Surety to Final Payment
Final Release of Lien		
Affidavit and Partial Release of Lien		

The receipt and application to the project of volunteer labor are to be documented and verified by notarized signature of the project architect, engineer, general contractor or project manager, and said documentation submitted to the TDC Administrative Office. **Any applicant who intends to utilize volunteer labor or in-kind donations of property shall provide in the application a schedule of values for each unit of in-kind services and/or goods (property) . Should a contract be awarded, BOCC,TDC reserve the right to deny the application of certain in-kind services and goods for match purposes and to negotiate a revised schedule of values for permissible items. For example, County will not accept as in-kind match the waiver of permit fees.**

d) A conservation easement may be required as a condition of funding.

e) The recipient of TDC capital project funding shall designate a project manager if no licensed architect, engineer or general contractor is involved in the project. If the project is performed by County or City personnel, the project manager shall be the Engineer, Building Official or Construction Manager of that local government.

If you have any further questions, please call the Administrative Office at 305-296-1552.

PART I:

General Conditions of Application and Agreement:

1. Please read these instructions carefully before completing the attached application. Make certain that you provide responses to all applicable questions and that the entire application, all required copies and supporting materials are returned to the address indicated on page 4.

2. Do not return the instructions with your application submission.

3. Applications must be submitted on the forms provided. Do not modify or use an adaptation of this form.

4. Answers should be typed and confined to the spaces provided on the form.

5. Sealed application shall be submitted as follows:

Two (2) originals and twelve (12) copies of the completed application forms and supporting documents shall be delivered to the Director of Purchasing, 1100 Simonton Street, Room 2-213, Key West, Florida 33040, no later than 5:00 p.m. on July 7, 2004.

6. **Reservations:** The TDC/County reserves the right:

a) to reject any and all applications;

b) to waive irregularities and informalities in any and all applications;

c) to re-advertise for applications;

d) to separately accept or reject any item or items of a application; and

e) to award and/or negotiate a contract in the best interest of the TDC/County.

7. Attachments must be confined to those listed in the Attachments & Certifications checklist on page 29 of the Application. They should be labeled as indicated in the Checklist (i.e., Attachment A, Attachment B, etc.) and must be submitted in the number of copies required.

8. If architectural planning is in progress, submit such drawings and outline specifications as may be available to describe the proposed work as completely as possible.

9. Note that individuals and for-profit organizations **are not eligible** to apply for Capital Projects funds.

10. Affidavits and Application Document:

- a) All applications shall be complete and submitted on the attached document with required number of copies. Any additional information, deviation from requirements, etc., shall be submitted in the form of attachments thereto.
- b) The application and affidavit(s) signature pages must be signed by an authorized person. If application is submitted on behalf of any corporation, it must be signed in the name of the corporation by any authorized officer as agent thereof. If practicable, the seal of the corporation shall be applied.
- c) Failure to comply shall be cause for rejection of application.

11. Indemnification and Hold Harmless:

A successful applicant will be required to sign an agreement which includes provisions whereby:

(1) the applicant covenants to indemnify and hold harmless Monroe County Board of County Commissioners from any and all claims which arise out of, in connection with, or by reason of the services provided, event sponsored, or other activities and funding associated with this agreement; and

(2) the applicant shall obtain from all contractors and subcontractors that will be utilized in the completion of the Capital Project, original Certificates of Insurance indicating Monroe County BOCC as certificate holder and additional insured. Insurance coverage's that may be required are Workers Compensation/Employers Liability, General Liability, Vehicle Liability, Professional Liability or others in amounts as determined by Monroe County Risk Management and dependent upon contemplated Capital Project. Final insurance requirements will be determined by Monroe County Risk Management in conjunction with the award of each Capital Project funding grant contract.

12. Maintenance:

The applicant shall be responsible for all maintenance and operational costs of the premises improved or constructed with the use of funding from the TDC/County.

The Applicant shall be responsible to the TDC/County for the safekeeping and proper use of the property entrusted to Applicant's care, to include any and all insurance for the value of the equipment and any maintenance or service contracts relating to such equipment for its service life.

Any disposal of assets procured through funding under this agreement shall comply with chapter 274. F.S.

13. Permits:

Applicant shall be responsible for securing all federal, state and local development approval and permits necessary to complete the project. Award of funds under this application do not indicate any development approval by the County and applicant shall be required to comply with all County concurrence requirements under Land Use laws of the County and State.

14. Taxes:

The TDC/County is exempt from Federal, Excise and State of Florida Sales Tax.

15. Performance Guarantee:

A successful applicant shall warrant, by signing this application, that applicant has the financial capability of completing the project as planned without the need to request further funding from TDC/County for same.

For insurance program coverage, the applicant by signing the application certifies that:

Applicant, its principals, and any previously owned business is/are not and have never been in default to Monroe County under the terms of any contract. (Default means failure to fulfill contractual obligations where County had to take legal action to obtain remedy or where a bonding company had to make good for applicant.)

16. Construction and Other Contracts:

Applicant, by signing this application, warrants that, if awarded funds for the project, all contracts, for construction or otherwise, to complete the project shall be let in compliance with all applicable laws and County purchasing policy and to comply particularly with the F.S. Chapter 255, chapter 274 and chapter 287. Applicant further agrees to provide TDC/County and their designated representatives with:

- a) access to the project premises for inspection of the progress of the project;
- b) **documentation including copies of all sub-contracts/Request For Bids verifying compliance with purchase/construction/architectural contract requirements of the County [Notice to owner, list of sub-contractors, and release of liens must be provided to County]; and**
- c) access to all records concerning the project. These records must be retained by applicant for a minimum of three (3) years after the termination date

of agreement. This requirement may be for a different time period than that required by other government agencies. All records must be kept in accordance with Generally Accepted Accounting Principles.

17. Termination for Default/Convenience:

The TDC/County reserves the right to terminate any contract and agreement if, in its opinion, there shall be a failure at any time, to properly perform faithfully any of the project as funded by TDC/County according to the plan presented with the application, or as modified and accepted in writing by TDC/County.

Further, TDC/County reserves the right to terminate payments under this agreement should the anticipated funding become unavailable for any reason. Should termination occur under this provision, TDC/County shall give applicant thirty (30) days notice prior to termination.

18. Non-discrimination:

During the term of the agreement, applicant shall comply fully with all applicable laws concerning non-discrimination and does, by signing this application, further agree that applicant will not discriminate against any employee, applicant for employment, contractor or other person on the basis of race, color, religion, sex, national origin or physical or mental handicap where the handicap does not affect an individual's ability to perform in a contractual or employment position.

19. Drug-Free Workplace:

Applicant shall maintain a drug-free workplace which complies with the County's policy on same. (Request For Application Page 28)

20. Payments:

Applicant shall submit all documentation required by the County Finance Department in accordance with instructions from said Department, prior to payment of any funds awarded. The TDC Application for Payment forms provided in the TDC re-imbursement package shall be used. Ten percent (10%) of every progress payment shall be withheld by County until certification of completion of project.

21. Contractor and Sub-contractor Bonding:

Applicant shall require all contractors and sub-contractors to post such performance bonds as are required by such contractors/sub-contractors entering into contract with the TDC/County.

22. Applicant shall be required to display an appropriate public acknowledgment of the support of the Monroe County Tourist Development Council in a publicly prominent area of the project.

PART II:

Capital Projects Criteria Factsheet

The following Capital Criteria Factsheet must be completed in the affirmative.
(Circle those that apply).

1. Does the project involve one of the following:
 - a) acquire
 - b) construct
 - c) extend
 - d) enlarge
 - e) remodel
 - f) repair
 - g) improve
2. Is the project
 - a) publicly owned and operated
 - b) owned and operated by a non-profit organization
 - c) publicly owned and operated by a non-profit corporation?
3. Is the project one of the following within the boundaries of the taxing district?
 - a) convention center
 - b) sports stadium
 - c) sports arena
 - d) coliseum
 - e) auditorium
 - f) fishing piers

- a) museums
 - b) zoological park
 - c) nature center
 - d) beach
4. If a beach, does the project fall under any of the following:
- a) improvement
 - b) re-nourishment
 - c) restoration
 - d) erosion control
5. If the TDC/County requires a Conservation Easement Deed or mortgage note requiring repayment of TDC monies in the event of transfer of ownership or change in use of the premises, would you be agreeable to executing same? _____
6. Does the applicant request transfer of title or management of a project to the County? _____
- If so, why?
-

PART III:

Application for

Capital Projects Grant Award

Submit to:

Office of Purchasing
1100 Simonton Street
Room 2-213
Key West, FL 33040

APPLICATION SUMMARY - ALL PROJECTS

1. **Project Title:**

2. Location or address of Project: _____
Attach Map

3. Type of Project:

_____ convention center

_____ sports stadium

_____ sports arena

_____ coliseum

_____ auditorium

_____ fishing pier(s)

_____ museum

_____ zoological park

_____ nature center

_____ beach

4. There should only be one (1) applicant. The applicant must be a non-profit organization or government agency:

Applicant name _____

& Address: _____

5. Type of Applicant:

_____ non-profit organization

_____ government

6. Application is for _____ % of total funds to be obtained from all sources.

7. a) Has applicant received previous TDC assistance: Yes _____ No _____.
If yes, please specify year, amount and nature of project.

b) List any previous grant-in-aid assistance received by the applicant or for the property from any government agency. Indicate year of award, amount, division which awarded the grant, and a brief description of the project assisted by each.

8. For purposes of this application *No more than fifty (50%) percent of matching funds or twenty-five (25%) percent of total project shall be of in-kind services.*

a)	TDC funds requested:	Confirmed Matching Hard-Dollar funds (50% limit)	Confirmed Matching In-kind Funds	Total Project Cost
	_____	_____	_____	_____

b) If matching funds, state Applicant of said monies:

(i) Hard-dollar: _____

(ii) In-kind: _____

c) Specify items/services for which TDC monies will be paid if this application is approved. Also specify how much is anticipated to be spent on each item/service.

Please refer to paragraph 2 of the Sample Agreement on Request For Application, page 30.

9. In the space below, provide a brief synopsis of the overall project and describe specifically the work to be accomplished with the funds requested.

10. Designated Project Contact/Supervisor:

Name: _____ Title: _____
Daytime Telephone no.: _____ Business Address: _____

Fax: _____ E-mail: _____

The architect or project contact/supervisor is responsible and liable for statements provided in this application.

PART IV:

PROJECT DESCRIPTION

1. Use:

a) Original use of structure and date of construction: _____

b) Modifications to the present date including date & description: _____

c) Present use: _____

d) Any other uses between original and present: _____

e) Proposed use: _____

f) Attach photograph of existing site: _____

G. Historic designation: Indicate whether the property has been listed in the National Register, is located in a National Register district, is a locally designated historic landmark or is located in a locally designated historic district. If located within a district, provide the official name of the district. This information is available from the planning agency having jurisdiction over the property.

All Capital projects funded by TDC shall be owned and operated by a governmental entity or non-profit organization. Applicant shall provide proof of property ownership or long-term lease for consideration of funding.

2. Ownership or other interest in property by applicant:
 - a) Official records reference for ownership documentation:
 - b) If not owned by applicant, provide long-term lease of property
 - c) If not owned by applicant, provide notarized consent letter from owner for use of property as outlined in this application.
3. If proposed project calls for transfer of title of real property to County, two (2) current real estate appraisals and one (1) environmental assessment shall be provided. The TDC/County shall ascertain, prior to acceptance of any donation or prior to purchase, that the property will pose no environmental hazard, or liability for same, to County. The TDC/County must also ascertain permissible government interest in the transfer of title. Indicate any such proposed title transfers here:

4. *This paragraph applies only to an acquisition funding request, but you will still need to complete items 5 through 13, whether this is new construction or renovations, additions, or exhibits. The purchase amount shall not exceed the value of the property as determined by the average of two appraisals, or the average of the closest two appraisals if more than two are obtained. **NOTE:** The maximum grant amount from tourist development revenue for an acquisition project shall not exceed 50% of the purchase amount. Indicate the area of the property to be acquired in acres.

In evaluating applications for acquisition funding, an important consideration is the appropriateness of the size of the site to be acquired. Determinations of the appropriateness of site size will be made on a case-by-case basis and will depend on the characteristics for which the property is considered to be significant. Sufficient property should be acquired to assure that the historic relationship of a structure or archaeological site to its surrounding environment is preserved. However, it is important that no more property than is necessary to achieve established preservation objectives be included in the acquisition project application. As this factor is crucial to favorable consideration of your grant application and will have substantial impact on the cost of the required application documentation, we encourage prospective applicants to consult with the staff of the TDC Administrative Office prior to initiating the required documentation.

5. **Protection of property:** Indicate any type of state or federal protection currently afforded the property. It may be that more than one type may be applicable. Provide citations for applicable local protective ordinances. Include copies of property-specific restrictive legal instruments in an attachment. By signing and submitting this application/bid, the proposer **warrants** that **all** restrictions are disclosed. Failure to include **every** restriction on the property may result in immediate termination of any agreement and demand for return of any monies paid thereunder.

6. Is the property threatened by imminent destruction, deterioration or other loss which may include demolition, vacancy, severe deterioration, loss of structural integrity, encroaching development, adverse environmental conditions, vandalism, etc. Be specific regarding the nature of immediacy of the threat. If so, describe in detail:

7. a) Are there any building restrictions on the site? If so, describe. Attach copies of all recorded easement and restrictive covenants. By signing and submitting this application/bid, the proposer **warrants** that **all** restrictions are disclosed. Failure to include **every** restriction on the property may result in immediate termination of any agreement and demand for return of any monies paid thereunder.

b) Is the proposed project compatible with the County's Concurrency Requirements under the existing and proposed Land Use Comprehensive Plan? How have you ascertained such compatibility? (Note: If your description does not provide information about existing permits and/or review by the County Planning Department, your application shall be rejected.)

- c) Does the site contain endangered or threatened species of flora or fauna?
_____ Yes _____ No
If so, describe:

- d) Are there facilities existing or planned to accommodate the physically disabled?
Yes___ No___ Describe/Explain :

- e) **Public accessibility and use:** Indicate the extent to which the property be open to the public each year (hours per day, days per week and weeks per year) upon project completion. Indicate whether or not the property will be accessible to the handicapped per Chapter 553, Part V, Florida statutes and the Americans with Disabilities Act, Public Law 1012-336. If not, provide a brief explanation. Estimate the number of persons who will use or visit the completed facility annually. For archaeological projects, if the site will not be accessible to the public, estimate the number of persons annually who will be exposed to the interpretive materials and reports resulting from the project. How was this estimate derived?

8. Describe present physical condition of site: (attach legal description per property tax records). Indicate, by checking the appropriate term, the present condition of the property.

Excellent: The property is habitable and occupied; no repairs are needed. All physical evidence indicates that the property is under continuous maintenance. Application is for expansion and enhancement.